

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

PATRICIA GEORGE,	:	APPEAL NO. C-150694
Plaintiff-Appellant,	:	TRIAL NO. A-1403097
vs.	:	<i>JUDGMENT ENTRY.</i>
	:	
STEPHEN P. BUEHRER,	:	
and	:	
KEEBLER COMPANY,	:	
Defendants-Appellees.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Plaintiff-appellant Patricia George was injured on June 5, 2013, when she slipped and fell while working at defendant-appellee Keebler Company. She filed a workers' compensation claim that was allowed for contusions to her right hip and right knee. She subsequently sought to amend her claim to add the additional conditions of spondylolisthesis at L4-5 and L5-S1, stenosis at L4-5 and L5-S1, and right hip osteoarthritis. The Industrial Commission denied her request to participate for these additional conditions. George appealed the denial to the Hamilton County Common Pleas Court. Following a bench trial, the common pleas court entered a

general judgment denying George the right to participate for these additional conditions. George now appeals.

In her first assignment of error, George contends the trial court's judgment denying her the right to participate in the workers' compensation system for the additional conditions of spondylolisthesis at L4-5 and stenosis at L4-5 is against the manifest weight of the evidence. In her second assignment of error, George argues the trial court erred by arbitrarily disregarding the testimony of her expert witness, Dr. Thomas Carothers. Because these assignments of error are interrelated, we address them together.

George argues the trial court erred by failing to give its reasoning or rationale for discrediting Dr. Carothers' testimony that her workplace injury had substantially aggravated her low back conditions. But the record reflects that George did not request findings of fact and conclusions of law. In the absence of such a request, the trial court was not required to provide detailed findings or reasoning to support its judgment. *See* Civ.R. 52; *Goddard v. Goddard*, 192 Ohio App.3d 718, 2011-Ohio-680, 950 N.E2d 567, ¶ 25 (4th Dist.).

Moreover, given our review of the record, we cannot conclude that the trial court's decision was against the manifest weight of the evidence. Here, the parties presented conflicting expert testimony as to whether George's slip and fall at Keebler had substantially aggravated the conditions of spondylolisthesis and stenosis at L4-5. Based on our review of the record, we cannot conclude the trial court lost its way and created a manifest miscarriage of justice in choosing to afford more weight to the testimony of Dr. Bender, Keebler's expert witness, than to the testimony of Dr. Carothers. *See Eastley v. Volkman*, 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517, ¶ 21.

We, therefore, overrule George's first and second assignments of error and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., CUNNINGHAM and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on November 30, 2016
per order of the court _____.
Presiding Judge